

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1999

Introduced by Assembly Member Portantino
(Coauthors: Assembly Members DeVore and Torres)

February 17, 2010

An act to add Section 25662.5 to the Business and Professions Code, relating to alcohol.

LEGISLATIVE COUNSEL'S DIGEST

AB 1999, as amended, Portantino. Alcohol: medical emergencies.

Existing law provides that any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor. Existing law provides that any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor, punishable as specified.

This bill would provide that it shall not be a crime for certain persons under the age of 21 years to knowingly possess or knowingly consume alcoholic beverages under specific circumstances relating to the reporting *in good faith* of medical emergencies arising from alcohol consumption, as specified. *The bill would specify that it shall not affect liability for any offense that involves activities made dangerous by the consumption of alcohol.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25662.5 is added to the Business and Professions Code, to read:

25662.5. (a) Notwithstanding any other law, it shall not be a crime for a person under the age of 21 years and one or two other persons to knowingly possess or knowingly consume one or more alcoholic beverages if all of the following circumstances exist:

(1) One of the persons under the age of 21 years called 9-1-1 and reported *in good faith* that another person under the age of 21 years was in need of medical assistance due to alcohol consumption.

(2) The person under the age of 21 years was the first person to make the 9-1-1 report.

(3) The person under the age of 21 years and, if applicable, one or two other persons acting in concert with the person under the age of 21 years who made the 9-1-1 report remained on the scene with the person under the age of 21 years in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

(b) Notwithstanding any other law, it shall not be a crime for the person under the age of 21 years who received medical assistance as provided in subdivision (a) to knowingly possess or knowingly consume one or more alcoholic beverages on private property.

(c) Nothing in this section shall affect liability for any offense that involves activities made dangerous by the consumption of alcohol, including, but not limited to, violations of Section ~~23152~~ 23103 of the Vehicle Code, as specified in Section 23103.5 of the Vehicle Code, and violations of Section 23152 or 23153 of the Vehicle ~~code~~ Code.